Nos. 07-21 and 07-25

IN THE

Supreme Court of the United States

WILLIAM CRAWFORD, et al.,
Petitioners,

v.

MARION COUNTY ELECTION BOARD, et al.,
Respondents,

&

INDIANA DEMOCRATIC PARTY, et al.,
Petitioners,

v.

TODD ROKITA, INDIANA SECRETARY OF STATE, et al.,
Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

BRIEF FOR THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW, SERVICE EMPLOYEES INTERNATIONAL UNION, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, COMMON CAUSE, JEWISH COUNCIL FOR PUBLIC AFFAIRS, NATIONAL COUNCIL OF JEWISH WOMEN, AND AMERICAN JEWISH COMMITTEE AS *AMICI CURIAE* IN SUPPORT OF PETITIONERS

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This *amicus curiae* brief is submitted in support of petitioners.[1]

INTEREST OF *AMICI CURIAE*

Amici are the Lawyers' Committee for Civil Rights Under Law; the Service Employees International Union; the American Federation of State, County, and Municipal Employees; Common Cause, the National Council of Jewish Women; the Jewish Council for Public Affairs; and the American Jewish Committee.[2] These seven organizations have different missions, but each is committed to ensuring that all citizens are able to exercise their right to vote and to combating laws which unduly and needlessly burden many voters' ability to participate effectively in the political process.

INTRODUCTION AND SUMMARY OF ARGUMENT

"No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined." *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964). The right to vote, in other words, "is fundamental 'because preservative of all rights.'" *Harman v. Forssenius*, 380 U.S.

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[1] Pursuant to Rule 37, letters of consent from the parties have been filed with the Clerk of the Court. No counsel for a party authored this brief in whole or in part, and no person or entity other than *amici*, their members, or their counsel contributed monetarily to the brief.

[2] The amici organizations are identified and described individually in the appendix to this brief.

528, 537 (1965) (quoting *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886)). The Constitution therefore "leaves no room for classification of people in a way that unnecessarily abridges this right." *Wesberry*, 376 U.S. at 17-18; *see Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 358 (1997); *Burdick v. Takushi*, 504 U.S. 428, 434 (1992).

The Indiana voter ID requirements at issue here—the most restrictive of their kind in the Nation—unnecessarily, and unjustifiably, abridge the right to vote. The Indiana provisions bar an individual from voting at the polls unless the voter presents a qualifying photo ID. Ind. Code §§ 3-11-8-25.1, 3-5-2-40.5. The photo ID must be issued by the State of Indiana or the United States, it must bear an expiration date that has not elapsed, and it must contain the voter's name in a manner that conforms to the voter's registration record. Ind. Code §§ 3-5-2-40.5(1) – 3-5-2-40.5(4). While a voter who lacks a qualifying photo ID may cast a provisional ballot, the provisional ballot generally will be counted only if the voter—within a period of 10 days—completes the various measures necessary to acquire a qualifying photo ID from the State, and then appears in person before the county election board or circuit court clerk to present the ID. Ind. Code §§ 3-11.7-5-1(b), 3-11.7-5-2.5(a).

The court of appeals, in sustaining Indiana's restrictive photo ID requirements, assumed that virtually all eligible voters would possess a qualifying photo ID. *See* Pet. App. 3, 5-6. And the State went as far as to assert in the proceedings below that "photo identification has become an inevitable fact of American life." Resp. Mem. in Supp. of Mot. for S.J.

9 (filed Nov. 30, 2005). That is both incorrect and irrelevant. As to relevance, the right to vote is "individual and personal in nature," *Reynolds v. Sims*, 377 U.S. 533, 561 (1964), and unjustified burdens on any person's exercise of that right thus infringe the Constitution, whether the affected individuals are few in number or many. As to correctness, it is simply wrong to assume that legitimate voters inevitably possess a photo ID, much less a photo ID that would satisfy Indiana's strict criteria. As *amici* explain in this brief, a significant number—in the range of 10 percent—of voters, for eminently understandable reasons, have had no need or occasion to acquire a government-issued photo ID.

The court of appeals characterized such persons as "people who have not bothered to obtain a photo ID," indicating an assumption that persons without a qualifying photo ID could easily obtain one if they genuinely desired to vote. Pet. App. 3. But for many voters who own no government-issued photo ID, obtaining one would be far from a ministerial task: the process of assembling the requisite documentation and undertaking the other necessary steps involves real burdens and costs, and in certain situations may be nearly impossible to accomplish in adequate time. Nor is it the case, as the court of appeals appeared to suppose, that persons who lack a qualifying photo ID generally "don't bother to" vote in any event. *Id.* In Georgia, for instance, of the roughly 200,000 registered voters who lack any state-issued photo ID, nearly three-quarters voted in the last two election cycles, *Common Cause/Georgia v. Billups*, 439 F. Supp. 2d 1294, 1311 (N.D. Ga. 2006), and over 60 percent voted in the 2004 general election, *see* Sonji

Jacobs & Megan Clarke, *No ID? Votes Cast Can Become Castoffs*, Atl. J. Const., Nov. 2, 2007, at 1A.

The photo ID restrictions at issue, in short, impose material burdens on a significant number of otherwise-eligible voters who genuinely desire to have a voice in the democratic process. And those burdens raise heightened concerns because they fall disproportionately on certain segments of the electorate, including less affluent and minority voters. *See, e.g.*, *Bullock v. Carter*, 405 U.S. 134, 144 (1972). The burdens would be difficult enough to justify even if Indiana's photo ID requirements were closely tailored to advance a substantial governmental interest. But the specific interest advanced in support of the requirements—*viz.*, preventing the heretofore unseen species of fraud that would occur if individuals were to go to the polls seeking to cast a vote in someone else's name—is markedly insubstantial. That asserted interest, under any applicable standard, cannot justify Indiana's uniquely-restrictive photo ID requirements.

Those requirements are so strict that it is more difficult to cast a vote at the polls in Indiana than to clear security when boarding a commercial airplane.[3]

[3] According to the Transportation Security Administration (TSA), passengers must present "accepted forms of ID" if they wish to board a domestic flight without having to go through a more intensive, secondary security screening. Telephone Call placed to TSA General Inquiry Line (Menu Option: "For information on ID requirements"), at (866) 289-9673 (Nov. 9, 2007) (TSA General Inquiry Line); *see also Gilmore v. Gonzales*, 435 F.3d 1125, 1129 (9th Cir. 2006). TSA describes the accepted forms of ID as follows: "Passengers must provide one form of photo identification issued by a local, state, or federal government agency, such as a passport, driver's license, military ID or

Indeed, military veterans in Indiana have been turned away from the polls on the ground that their official photo IDs, although issued by the United States Department of Veterans Affairs, bear no expiration date. *See* Rebecca S. Green, *Refusal of Vets' IDs Leads to Hard Feelings at Polls*, Fort Wayne J. Gazette, May 4, 2006, at 4C. Excessive obstacles to voter participation of that kind are particularly undesirable given that voter turnout in the United States generally continues to decline and already lags behind that of other Western democracies.[4]

This Court has described "[t]he right to vote freely for the candidate of one's choice" as "the essence of a democratic society," and has observed that "any restrictions on that right strike at the heart of representative government." *Reynolds*, 377 U.S. at 555. Accordingly, while recognizing that States generally have latitude to govern the electoral process, the Court has consistently invalidated unnecessary restrictions on the ability of an otherwise-qualified voter to cast a ballot. *See Hill v. Stone*, 421 U.S. 289 (1975); *Dunn v. Blumstein*, 405 U.S. 330 (1972); *City*

current student ID. Alternatively, a passenger may produce two forms of non-photo identification, one of which must have been issued by a state or federal agency, such as a birth certificate or Social Security card." TSA General Inquiry Line, *supra*. Those rules, unlike the Indiana voter-ID requirements, encompass both non-photo IDs and photo IDs that contain no expiration date.

[4] *See* Rafael López Pintor et al., Int'l Inst. for Democracy & Electoral Assistance, *Voter Turnout Since 1945: A Global Report* 60, 83-84 (2002), *available at* http://www.idea.int/publications/vt/upload/VT_screenopt_2002.pdf (ranking the United States 138th out of 170 democracies in voter turnout).

of Phoenix v. Kolodziejski, 399 U.S. 204 (1970); *Cipriano v. City of Houma*, 395 U.S. 701 (1969); *Kramer v. Union Free Sch. Dist. No. 15*, 395 U.S. 621 (1969); *Carrington v. Rash*, 380 U.S. 89 (1965); *Harper v. Virginia State Bd. of Elections*, 383 U.S. 663 (1966). The Court should do so again here.

ARGUMENT

This Court applies a "flexible standard" when "considering a challenge to a state election law," under which it "weigh[s] 'the character and magnitude of the asserted injury to the rights'" of voters "against 'the precise interests put forward by the State as justifications for the burden.'" *Burdick v. Takushi*, 504 U.S. 428, 434 (1992) (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983)); *see also Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 358-359 (1997). If the challenged restrictions impose "severe burdens" on voting rights, they will be invalidated unless narrowly tailored to further a compelling governmental interest. *Timmons*, 520 U.S. at 358; *Burdick*, 504 U.S. at 434. "Lesser burdens" are subject to a "less exacting"—but by no means toothless—form of review, under which the Court examines whether the challenged restrictions advance a "corresponding interest sufficiently weighty" to justify the associated burdens. *Timmons*, 520 U.S. at 358-359, 364, 369-70; *see Norman v. Reed*, 502 U.S. 279, 288-89 (1992).

Amici agree with petitioners that the burdens occasioned by Indiana's photo ID requirements warrant application of the stricter standard. With respect to the "character" of those burdens, *e.g.*, *Timmons*, 520 U.S. at 358, the Court has distin-

guished direct "condition[s] on the exercise of the right to vote" from more indirect burdens on voting rights (such as laws operating directly against candidates rather than voters), with the former subject to a "more exacting test." *Dunn v. Blumstein*, 405 U.S. 330, 337 (1972); *see also Bullock v. Carter*, 405 U.S. 134, 143 (1972). The Indiana photo ID laws impose a direct condition on voters, barring otherwise-eligible voters from casting a ballot unless they produce a qualifying photo ID. It is of no moment that the requirement falls short of an absolute bar, in that a voter could gain eligibility to vote if he were able to acquire a qualifying photo ID. The same is true of poll taxes and property-ownership requirements, both of which likewise establish a condition—*i.e.*, payment of a poll tax or purchase of property—rather than an outright prohibition, and both of which have been invalidated under stringent review. *See id.* at 143 & n.20 (citing decisions). With respect to the "magnitude" of the burden, *Timmons*, 520 U.S. at 358, obtaining a qualifying ID, as we explain below, can be a burdensome, time-consuming, and relatively costly undertaking.

Even the less demanding form of review applicable in the voting context would require invalidation of Indiana's photo ID requirements. That approach calls for assessing whether the "State's asserted regulatory interests" are "sufficiently weighty to justify the limitation" on the right to vote, *Timmons*, 520 U.S. at 364; *see id.* at 358-59, 369-70, taking into consideration "the extent to which the State's concerns make the burden necessary," *id.* at 358; *see also Burdick*, 504 U.S. at 434. *Amici* principally aim in this brief to examine the nature and extent of the

burdens imposed by Indiana's photo ID requirements. But we briefly address at the outset the nature of the governmental interest at stake to enable assessing the "extent to which the State's concerns make the burden necessary," *Timmons*, 520 U.S. at 358, and to demonstrate that those concerns are far from "sufficiently weighty to justify" the photo ID restrictions, *id.* at 358-59.

A. There Is No Need To Impose A Photo-ID Requirement To Deal With The Nonexistent Threat Of In-Person Impersonation Fraud.

As an abstract matter, there undoubtedly is a compelling governmental interest in limiting voter fraud. *E.g.*, *Purcell v. Gonzales*, 127 S. Ct. 5, 8 (2006). But the "precise interest" advanced by the Indiana in support of its photo-ID requirements, *Burdick*, 504 U.S. at 434, is confined to addressing one distinct species of perceived fraud: in-person impersonation fraud, which would occur if an ineligible voter were able to cast a vote at the polls by falsely claiming the name of a registered voter. *See* Pet. App. 7. As the State has acknowledged, there are no reported incidents—not one—of impersonation fraud in the history of Indiana, let alone a prosecution for committing impersonation fraud. *See id.* at 7-8, 11, 39 (Evans, J., dissenting). The experience of other States that have adopted photo ID laws is to the same effect, likewise manifesting the utter absence of any record of in-person impersonation fraud. *See Common Cause/Georgia v. Billups*, 406 F. Supp. 2d 1326, 1332 (N.D. Ga. 2005); *Weinschenk v. Missouri*, 203 S.W.3d 201, 218 (Mo. 2006). And while the court of appeals suggested, without cita-

tion or support, that "some" instances of in-person impersonation fraud have been found in a handful of other States, Pet. App. 8-9, the court's assertion entirely evaporates upon analysis. *See generally* Brief of Brennan Center as Amicus Curiae in Support of Petitioners.

Indiana's photo ID requirements, in short, are a "solution" in search of a problem. Nor could the photo ID requirements be justified on the theory that, even if there has been no evidence of voter impersonation fraud to date, the State seeks proactively to prevent such fraud from arising in the future. In-person impersonation fraud not only is nonexistent as a matter of fact, it also is virtually inconceivable as a matter of theory.

To begin with, there is no serious possibility that an individual voter, acting alone, would commit impersonation fraud in an effort to alter an election by merely one vote. As to the possibility of a concerted scheme, because of the number of votes necessary to shift the outcome even in a very close election, effective vote fraud requires the ability to manipulate ballots en masse (ideally after the polls have closed when the number of votes needed to affect the result becomes more apparent). That is why vote fraud typically involves schemes in which a few individuals can generate a substantial number of fraudulent votes in a short period of time, such as by stuffing the ballot box or by preparing and submitting fraudulent absentee ballots in bulk. *See* Craig C. Donsanto & Nancy L. Simmons, *Federal Prosecution of Election Crimes* 101 (7th ed. 2007), *available at* http://www.usdoj.gov/criminal/pin/docs/electbook-0507.pdf. Indiana's photo ID requirements do noth-

ing to prevent those sorts of fraud—indeed, Indiana requires no form of ID documentation for absentee voting apart from a signature, even though the risk of impersonation fraud is far greater with absentee voting than with in-person voting. *See id.* at 31-32.

An orchestrated scheme of in-person impersonation fraud is essentially unimaginable, with or without a photo ID requirement. Such a scheme would require coordinating an army of individual impersonators in order to generate a meaningful number of votes, and each impersonator ostensibly would have to: (i) memorize the name and other identifying information of a registered voter; (ii) learn to mimic the voter's signature; (iii) travel to the appropriate polling precinct site for the particular voter; (iv) wait in line at the polling place to cast a ballot in that voter's name; (v) ensure that the registered voter has not already voted at the polls; and (vi) risk detection by a poll worker who may know the registered voter. Such a scheme would be manifestly unworkable and inefficient as compared with other forms of fraud, requiring an inordinate degree of coordination and effort for each additional vote. And the risks of detection would dwarf the risks associated with other types of vote fraud because of the number of individuals who necessarily would be party to the scheme.

For those reasons, even if Indiana's photo ID requirement imposed only a minimal burden on the right to vote, the burden nonetheless could not be justified by any asserted interest in addressing the non-existent threat of in-person impersonation fraud. In fact, however, Indiana's photo ID law imposes substantial burdens on the right to vote, mak-

ing all the more clear that "the State's asserted regulatory interests" are not "sufficiently weighty to justify the limitation." *Timmons*, 520 U.S. at 364.

B. Indiana's Photo ID Requirements Impose A Material And Disproportionate Burden On The Right To Vote.

1. Millions of otherwise-eligible voters, particularly in certain segments of the electorate, fail to possess a government-issued photo ID.

a. The court of appeals, asserting that "it is exceedingly difficult to maneuver in today's America without a photo ID," Pet. App. 7, operated on the assumption that virtually all legitimate voters would possess a government-issued photo ID. Many voters, however, for fully understandable reasons, own no photo ID of the sort required by Indiana law.

Studies consistently estimate that approximately 10 percent of voting-age citizens in the country—or more than 20 million individuals—lack a government-issued photo ID. *See* Comm'n on Fed. Election Reform, Building Confidence in U.S. Elections 73 n.22 (2005) (12 percent of voting-age citizens lack a driver's license); Brennan Center for Justice, *Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification* (Nov. 2006) (*Citizens Without Proof*), *available at* http://www.vote.caltech.edu/VoterID/CitizensWithoutProof.pdf (11 percent of voting-age citizens lack an unexpired government-issued photo ID); Carter-Ford Commission on Election Reform, *To*

Assure Pride and Confidence in the Electoral Process: Task Force Reports to Accompany the Report of the National Commission on Election Reform, No. VI: Verification of Identity (Aug. 2001), *available at* http://www.tcf,org/Publications/ElectionReform/99_full_report.pdf (between 6-11 percent of voting-age citizens lack driver's license or alternate State-issued photo ID).

Research at the state level confirms that a significant portion of the population lacks government-issued ID. In the case of Indiana, a recent survey found that roughly 13 percent of registered Indiana voters lack an Indiana driver's license or an alternate Indiana-issued photo ID. *See* Matt A. Barreto, et al., Washington Institute for the Study of Ethnicity and Race, Working Paper, *The Disproportionate Impact of Indiana Voter ID Requirements On The Electorate*, at Table 1.1b, *available at* http://depts.washington.edu/uwiser/documents/Indiana_voter.pdf. Information from other states that have adopted photo ID requirements further confirms that a substantial number of registered voters own no government-issued photo ID. For instance, the Georgia Secretary of State recently estimated that 198,000 registered Georgia voters lack a driver's license or alternate State photo ID. *See* Sonji Jacobs & Megan Clarke, *No ID? Votes Cast Can Become Castoffs*, Atl. J. Const., Nov. 2, 2007, at 1A. The Secretary of State of Arizona estimated that 12 percent of the registered voters in that State—or 375,000 individuals—have no driver's license or State non-operator ID. *See* Report of R. Anthony Sissons at 8, *Gonzalez v. State of Arizona*, No. CV06-1268-PHX-ROS (D. Ariz.), *available at* http://moritzlaw.osu.edu/

electionlaw/litigation/documents/exhibits1924mtnforpreliminjunctionarizona.pdf. And the State of Missouri, in its unsuccessful defense of its photo ID law, found that between 169,000 and 240,000 registered Missouri voters lack a driver's license or alternate State photo ID. *See Weinschenk*, 203 S.W.3d at 206.

Those results reflect the millions of voting-age Americans who do not have access to a motor vehicle and thus normally would have no need to obtain a driver's license, by far the most common form of government-issued photo ID. Census data, for instance, indicates that 10 percent of American households have no available automobile.[5] And while a United States passport would also satisfy Indiana's photo ID requirements, only the relatively small share of citizens who intend to travel abroad would have occasion to obtain a passport. *See* Jane L. Levere, *Scrambling to Get Hold of a Passport*, N.Y. Times, Jan. 23, 2007, at C1 (noting State Department estimate that only 27% of American citizens own a valid passport).

b. The Court has instructed that, in addition to the "magnitude" of the burden occasioned by a restriction on the right to vote, the "character" of the burden is also a material consideration. *E.g.*, *Burdick*, 540 U.S. at 434; *Anderson*, 460 U.S. at 789 (1983). Of particular relevance, restrictions that impose a disproportionate burden on certain segments

[5] U.S. Census Bureau, *Tenure by Vehicles Available by Age of Householder* (2000) (hereinafter *Tenure by Vehicles, Census 2000*), *available at* http://factfinder.census.gov/servlet/DTTable?_bm=y&-geo_id=D&-ds_name=D&-_lang=en&-mt_name=DEC_2000_SF3_U_H045).

of the electorate—including less affluent or minority voters—raise elevated concerns. *See Clingman v. Beaver*, 544 U.S. 581, 603 (2005) (O'Connor, J., concurring) (noting need for "heightened scrutiny" when electoral restrictions "have discriminatory effects"); *Anderson*, 460 U.S. at 792-93 & n.15; *Bullock*, 405 U.S. at 144 (explaining that restrictions "must be 'closely scrutinized'" because they "fall[] with unequal weight on voters * * * according to their economic status"). Indiana's photo ID requirements raise precisely those sorts of concerns.

i. First, as the court of appeals observed, "[n]o doubt most people who don't have photo ID are low on the economic ladder." Pet. App. 3. Studies confirm that low-income voters are substantially less likely to satisfy voter ID requirements. *See* Matt Barreto, et al., *Voter ID Requirements and the Disenfranchisements of Latino, Black and Asian Voters*, Presentation before the 2007 American Political Science Association Conference, Sept. 1, 2007, at 18. For instance, a 2006 nationwide survey concluded that voting-age citizens earning less than $35,000 in annual income were more than twice as likely to lack a government-issued ID as those earning more than $35,000. *Citizens Without Proof*, *supra*, at 3. That outcome is consistent with the fact that low-income voters are less likely to have access to a motor vehicle and hence to require a driver's license. *See, e.g.*, Ind. Dept. of Transp. Market Research Project, *3.0 Environmental Justice Perspectives*, at 3-36, *available at* http://www.in.gov/indot/files/market_section3.pdf (noting that, while over 90% of Indiana households have access to at least one automobile,

one in four below-poverty Indiana households lack access to an automobile).

ii. The incidence of photo-ID ownership also varies significantly based on a voter's race or ethnicity. The same 2006 nationwide study of voting-age citizens found that African-Americans are more than three times as likely as Caucasians to lack a government-issued photo ID, with *one in four* African-Americans owning no such ID. *Citizens Without Proof*, *supra*, at 3.

Information from individual states confirms the racial imbalance. A 2005 study of voting-age citizens in Wisconsin determined that 55% of African-American males and 46% of Hispanic males—as compared with 16% of white males—lack a driver's license (and the corresponding figures for females are 49% of African-Americans, 59% of Latinas, and 17% of whites). John Pawasarat, University of Wisconsin-Milwaukee Employment & Training Institute, *The Driver License Status of the Voting Age Population in Wisconsin* 4-5 (2005), *available at* http://www.uwm.edu/Dept/ETI/barriers/DriversLicense.pdf. An examination of registered voters in Georgia similarly found that African-Americans and Latinos were roughly twice as likely as whites to lack a driver's license or other State-issued photo ID. M. V. Hood III & Charles S. Bullock, III, *Worth a Thousand Words? An Analysis of Georgia's Voter Identification Statute* 15 (2007).

As is the case with the disproportionate outcomes based on income, the racial imbalance is consistent with underlying patterns concerning access to a motor vehicle. Whereas only 7% of white households

nationwide have no automobile, 24% of black households and 17% of Hispanic households lack an available automobile. *See Tenure by Vehicles, Census 2000, supra.* To the same effect, in Indiana, African Americans make up 6.5% of the total population, but represent 40% of those who commute to work by bus. *See* Ind. Dept. of Transp. Market Research Project, at 3-43.

iii. Photo-ID requirements disproportionately affect both younger and older voters. With respect to older voters, 18% of citizens nationwide who are above the age of 65 lack a current, government-issued photo ID. *Citizens Without Proof, supra*, at 3. A study in Wisconsin likewise determined that roughly 23% of voting-age citizens over 65 lacked a driver's license or other State-issued photo ID. Pawasarat, *supra*, at 4-5. In Georgia, similarly, 25% of registered voters over 65 own no driver's license or Georgia ID card. *Billups*, 439 F. Supp. 2d at 1311. Again, the disproportionate effects reflect disparities in access to motor vehicles: While 10% of all households had no access to a vehicle, 17.5% of over-65 households lacked access to a vehicle. *See Tenure by Vehicles, Census 2000, supra.*

With respect to younger voters, an examination of Federal Highway Administration data concerning citizens aged 18 to 23 found that the share of persons without a driver's license ranged from 32.5% for 18-year-olds to 18% for 23-year-olds. *See* Spencer Overton, *Voter Identification*, 105 Mich. L. Rev. 631, 659 (2007). When age and race are considered together, the disparities predictably become more pronounced: in Wisconsin, an astounding *78%* of African-American males (as compared with 36% of white

males) aged 18-24 lack a driver's license, and 66% of African-American females (as compared with 25% of white females) aged 18-24 lack a driver's license. Pawasarat, *supra*, at 5.

2. Obtaining a qualifying photo ID can require a substantial commitment of time and resources.

The significant number of would-be voters who have no qualifying photo ID conceivably could undertake to acquire a government-issued photo ID solely to enable them to vote. Indiana provides for citizens to apply to the Bureau of Motor Vehicles ("BMV") for a photo ID card for non-drivers. Ind. Code § 9-24-16; Pet. App. 2-3. While the BMV charges no fee for issuing the ID card, that does not account for the time and resources required to complete the application process. The Court has emphasized in that regard the need "to examine in a realistic light the extent and nature of [the] impact on voters." *Bullock*, 405 U.S. at 143. The process of obtaining a non-driver photo ID card in Indiana, when considered in a "realistic light," *id.*, can be burdensome, time-consuming, and costly.

a. To apply to the BMV for a non-driver photo ID card (or for a driver's license), a voter would be required to assemble various forms of ID documentation. Any voter born in the United States would need at a minimum to present a certified birth certificate, and would also need to produce other forms of ID documentation such as a bank statement. *See*

Pet. App. 2-3, 31-32.[6] And any certified birth certificate presented for that purpose must be issued by a state or county health department, not a hospital. *See* Indiana BMV website, *Identification Requirements: Acceptable Primary Documents*, http://www.in.gov/bmv/driverlicense/idreq.html#primary (last visited Nov. 11, 2007).

While some voters would have ready access to a certified birth certificate and the other required documents, other voters would not. *See Citizens Without Proof*, *supra*, at 2 (finding that seven percent of voting-age citizens nationwide—or 13 million persons—have no ready access to a birth certificate, passport, or naturalization papers); Center on Budget and Priorities, *Survey Indicates House Bill Could Deny Voting Rights To Millions Of Citizens* (CBP Study), Sept. 22, 2006, *available at* http://www.cbpp.org/9-22-06id.htm (finding that 11 million voting-age citizens possess neither a birth certificate nor a passport).[7] A disproportionate share

[6] Indiana requires an applicant to present at least one "primary document," including a certified birth certificate (or documentation of a birth abroad), a passport, or a military or merchant marine photo ID. Pet. App. 32-33. The latter two cannot be held by the general public, and a passport would entitle the holder to vote in Indiana without any need to obtain a non-driver's photo ID. Accordingly, the only relevant "primary document" for an individual born in the United States is a certified birth certificate.

[7] Significantly, the statistics from those surveys do not differentiate between birth certificates issued by a hospital and certified birth certificates issued by a state or county health department. As a result, those statistics substantially understate the share of voters who would lack ready access to a certified, government-issued birth certificate of the kind required to obtain a State non-driver's photo ID in Indiana.

of lower-income and minority citizens lack easy access to a certified birth certificate and other forms of ID documentation such as a bank statement. *See Citizens Without Proof*, *supra*, at 2 (finding that persons earning less than $25,000 are more than twice as likely to lack a birth certificate, passport, or naturalization documents); CBP Study, *supra* (concluding that low-income and African American citizens are significantly more likely to lack a birth certificate or passport); Barreto, et al., *Voter ID Requirements*, *supra*, at 16 (finding that African-Americans, Latinos, and Asian-Americans are more likely to lack access to a bank statement or utility bill).

Obtaining a certified birth certificate requires payment of a fee. Persons born in Indiana could purchase a certified birth certificate from the State for $10 (or from the relevant county for a fee of up to $10). *See* Pet. App. 37-38. But more than one in four Indiana residents was born in another State. U.S. Census Bureau, 2005 American Community Survey: Indiana, at 1-2, *available at* http://www.census.gov/acs/www/Area%20Sheets/Area%20Sheet%20IN.doc. And the fee to obtain a certified birth certificate from another State can be as much as $45. *See* Overton, *supra*, at 669; *cf. Harper v. Virginia State Bd. of Elections*, 383 U.S. 663 (1966) (invalidating poll tax of $1.50 per voter).

Moreover, the process of obtaining a certified birth certificate can be a time-consuming one. Indiana allows for an average processing time of three to four weeks in response to an application received by mail, not including the mailing time in either direction. *See* Indiana State Dep't of Health, *Where To Get Copies Of Birth Certificates*, http://

www.in.gov/isdh/bdcertifs/birthcert.htm (last visited Nov. 10, 2007). The average processing time is longer in other States. For instance, in the neighboring State of Illinois—where many Indiana residents may have been born—the average processing time is six weeks, again not including mailing time in either direction. *See* Illinois Dep't of Public Health, *Birth Records: Frequently Asked Questions*, http://www.idph.state.il.us/vitalrecords/birth_faq.htm#1 (last visited Nov. 10, 2007). Other States allow for average periods of up to eight to ten weeks. *See Weinschenk*, 203 S.W.3d at 209. The upshot is that an otherwise-eligible voter who lacks a qualifying photo ID may need to begin the process of assembling the required documentation several *months* in advance of the election. *Cf. Dunn*, 405 U.S. at 348 (invalidating requirement that voter have resided in the State for three months before the election as unduly restrictive of the right to vote).

A further complication concerns the ID documentation needed to obtain a certified birth certificate. In particular, a voter who seeks a birth certificate in order to obtain a photo ID could find himself required to present a photo ID in order to obtain the birth certificate. For instance, Marion County, the largest county in Indiana, will issue a certified birth certificate to persons born there only if the application contains the affirmation of a notary that the applicant produced one of the following photo IDs: a driver's license, state ID card, passport, or military ID card. Marion County Health Department, *Application for a Certified Birth Certificate*, http://www.mchd.com/pdf/bthcert.pdf (last visited Nov. 10, 2007). Indiana residents born in the

neighboring States of Illinois and Michigan similarly would be required to present a photo ID to obtain a certified birth certificate from those States.[8] Would-be voters who seek to obtain a qualifying photo ID from Indiana therefore could become trapped in what amounts to an infinite loop of photo ID requirements.

b. A voter who is able to assemble all of the necessary documentation would then be required to bring the documents in person to the BMV. Because the voter by assumption would have no driver's license, she may need to find and pay for transportation to the BMV, and perhaps would need to arrange for taking time off from employment at an hourly wage, or for dependent care, or both—all of which would involve real costs in time and resources. *See Billups*, 406 F. Supp. 2d at 1336 ("For an individual working on an hourly wage, the time it takes to travel to a DMVS (which may be an unreasonable distance away from the resident's home or office), wait in the lengthy lines * * * and then the return commute, results in actual lost wages.").[9] Moreover, the applicant might well need to make more than one trip to the BMV: a BMV employee responsible

[8] Illinois: http://www.idph.state.il.us/vitalrecords/birthinfo.htm (last visited Nov. 10, 2007); Michigan: http://www.michigan.gov/documents/birthapp_6360_7.PDF (last visited Nov. 10, 2007).

[9] While the cost of transportation, considered alone, might seem relatively modest, transportation costs make up a disproportionate share of the day-to-day expenditures of lower-income persons. *See* Ind. Dept. of Transp. Market Research Project, at 3-30 (observing that poor households spend over 40% of take-home pay on transportation).

for determining whether photo ID applicants have assembled the appropriate documentation estimated that she turns away roughly 60% of applicants because they have not brought the correct documentation. *See* J.A. 215, 220-221 (Andrews Dep.).

Consider, in that regard, the case of Therese Clemente, a 78-year-old registered Indiana voter who has no driver's license and who sought to obtain a qualifying photo ID upon learning of the new photo ID requirements. She made an initial trip to the BMV to apply for a qualifying ID and brought with her multiple forms of ID, including a Social Security card, utility bill, property tax bill, credit card, and voter registration card. She was told, however, that she would need to bring a birth certificate. She then went home, retrieved her birth certificate, and returned to the BMV, only to be informed that her birth certificate failed to qualify because it was not a certified copy. She subsequently mailed an application for a certified birth certificate to Massachusetts, where she was born, and paid the associated $28 fee. After receiving a certified birth certificate two weeks later, she returned to the BMV a third time. But on this occasion, she was again rebuffed on the ground that her certified birth certificate contained her maiden name rather than her married name, which is not at all an uncommon situation. *See Citizens Without Proof*, *supra*, at 2 (finding that 52% of voting-age women with access to a birth certificate lack a birth certificate with their current legal name). She was therefore instructed that she would need to return to the BMV a fourth time, this time with a

certified copy of her marriage certificate. J.A. 93-94.[10]

c. The cumulative burdens associated with the process of obtaining a qualifying photo ID, in short, can be quite substantial.[11] By way of comparison, this Court, in *Harman v. Forssenius*, 380 U.S. 528 (1965), considered a constitutional challenge to a Virginia law that required voters, as a condition of eligibility to vote in federal elections, either to pay a poll tax or to file (including by mail) a notarized certificate of Virginia residence. *See id.* at 529-30 & n.1. The certificate of residence consisted of a sworn statement by the voter of his or her address, and did not require the voter to prepare or assemble any additional documentation. *See id.* at 541.

The Court explained that the poll tax, if it were an absolute prerequisite to voter eligibility, would

[10] A person who has a certified birth certificate might have difficulty satisfying other documentary requirements. For instance, Indiana requires documentary proof of residency to obtain a photo ID card. *See* Pet. App. 3. The record contains the statement of a homeless person who went to the BMV armed with his birth certificate and social security card, but who was denied a photo ID card because—as a homeless person—he could not present proof of an address. J.A. 67. Homeless persons frequently encounter obstacles of that variety when seeking to obtain a government-issued ID. *See* National Law Center on Homelessness and Poverty, *Photo Identification Barriers Faced by Homeless Persons: The Impact of September 11* (2004), *available at* http://www.nlchp.org/content/pubs/Photo%20ID%20Barriers1.pdf.

[11] *See generally Billups*, 406 F. Supp. 2d at 1341-1342 (reviewing declarations of numerous would-be voters in Georgia describing various difficulties associated with process of obtaining a state-issued photo ID).

violate the Twenty-Fourth Amendment. *Id.* at 540. The Court then considered whether the Virginia law nonetheless could be sustained on the ground that the State afforded the option of filing the certificate in lieu of paying the poll tax. In concluding that the availability of that option failed to save the law, the Court explained that filing the certificate constituted a "material requirement" and involved what the Court considered to be "plainly a cumbersome process." *Id.* at 540-41. It necessarily follows that the process of obtaining a photo ID from the Indiana BMV—even in the case of voters for whom the process runs most smoothly—at the very least constitutes a "plainly cumbersome procedure."

3. The availability of a provisional ballot does not effectively alleviate the burden on voters who lack a qualifying photo ID.

If an Indiana voter arrives at the polls without a qualifying photo ID, Indiana law provides for the voter to cast a provisional ballot. Ind. Code § 3-11-8-25. To have the provisional ballot counted, the voter must appear before the circuit court clerk or county election board within a period of 10 days, at which time the voter must either: (i) present a qualifying photo ID; or (ii) execute an affidavit affirming that the voter is "indigent." Ind. Code § 3-11.7-5-2.5.[12] Neither of those alternatives meaningfully alleviates

[12] The voter also can execute an affidavit swearing that he or she has a religious objection to being photographed for a photo ID. Ind. Code § 3-11.7-5-2.5(c)(2)(B).

the burden on voters who possess no qualifying photo ID.

a. The first option—that of obtaining a government-issued photo ID and presenting it to the circuit court clerk or county election board within 10 days—is of little practical use to a voter who lacks a qualifying ID. Even assuming that the voter had ready access to the necessary documentation, including a certified birth certificate, he would first need to bring the documents to the BMV to make an in-person application for a photo ID card. And even further assuming that he was among the 40% of persons who manage successfully to obtain a photo ID card in their first visit to the BMV, *see* p. 22, *supra*, he would then need to make a separate trip to the county seat to present the ID to the circuit court clerk or county election board. Because the voter by assumption would not drive an automobile, he would be required to arrange for (and potentially pay for) two separate trips to two distinct locations during normal working hours, with especially the latter trip to the county seat potentially requiring travel to a relatively distant location. *Cf.* Ind. Const., art. 15, § 7 (establishing that no Indiana county can be created that is less than 400 square miles in area). Accomplishing all of that within a 10-day period would be, to say the least, a tall order.

If the voter lacks access to a certified birth certificate, it would be nearly impossible to complete the necessary steps within the 10-day window. Because the only way to obtain a birth certificate within that period of time would be to make an in-person application, *see* pp. 19-20, *supra*, the voter would be required to make arrangements for a third

trip, this time to the relevant State or county government office to obtain a certified birth certificate. If the voter were born in a county or State other than where he currently resides, arranging for a trip to his county or State of birth would itself require a substantial expenditure of time and resources. And the voter would still be faced with a trip to the BMV (to apply in-person for an ID) and a trip to the county seat (to present the ID). For those reasons, a voter who casts a provisional ballot because he lacks a qualifying photo ID would have no realistic opportunity to obtain one and present it to the circuit court clerk or county election board within the 10-day period.

b. The option of returning to the county seat and filing an affidavit of indigence is likewise ineffectual. As an initial matter, that option by its own terms is of no use to the many voters who lack a government-issued photo ID, but who could not qualify—or who would not swear to qualifying—as "indigent." Indeed, the statute nowhere defines the term "indigent," but nonetheless requires the voter to swear under penalty of perjury that he is "indigent." Ind. Code § 3-11.7-5-2.5(c)(2)(A)(i). Especially because indigence is far from a self-defining concept, no well-advised voter would swear that he is "indigent" in the absence of any definition of the term.[13]

[13] The indigence provision also contains another notable ambiguity. A voter must swear not only that he is "indigent," but also that he is "unable to obtain proof of identification without the payment of a fee." Ind. Code § 3-11.7-5-2.5(c)(2)(A)(ii). But because Indiana does not charge a fee for issuing a non-driver's photo ID card, it is not at all clear how the voter can swear that he is unable to obtain the ID "without

Even if the terms and scope of the indigence provision were more clear, the provision would be substantially flawed in its operation. Because there is no allowance for carrying over an indigence affidavit from one election to the next, a voter would be required to cast a provisional ballot, and then to make a separate trip to the county seat to execute an indigence affidavit, in *every* primary and general election. Indeed, it is far from clear why a second trip is necessary even in any one election. Indiana could substantially reduce the burden on voters—with little apparent cost to the State—by making indigence affidavits available at the polling place on election day instead of requiring the voter to make a separate trip to the county seat to execute the affidavit. *Cf. Carrington v. Rash*, 380 U.S. 89, 92 (1965) ("States may not casually deprive a class of individuals of the vote because of some remote administrative benefit to the State").[14]

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the payment of a fee." Insofar as the statute means to address costs associated with the application process other than the fee for the ID itself (*e.g.*, travel costs, costs of obtaining a certified birth certificate), the statute is self-evidently ambiguous on the point. In any event, it provides no basis by which a voter could determine which such costs should be considered—much less any basis that would be clear enough to enable the voter to make an affirmation under penalty of perjury.

[14] Although Indiana's photo ID requirements do not extend to voting by absentee ballot, absentee voting is available only to particular categories of voters. *See* Ind. Code § 3-11-10-24. Accordingly, absentee voting does not constitute a general exception to the photo ID requirements. Even with respect to those categories of voters—such as the elderly or disabled—who are entitled to vote by absentee ballot, Ind. Code §§ 3-11-10-24(a)(4) - 3-11-10-24(a)(5), the availability of that option does not relieve the State of its obligation to justify imposing the photo ID

4. Indiana could readily achieve its objectives through a variety of less burdensome means.

Indiana's photo-ID requirements are the most restrictive voter ID provisions in the Nation. The majority of States do not require voters to produce documentary evidence of their identity at the polls. *See* Overton, *supra*, at 640. Those States instead employ non-documentary means of assuring the voter's identity, such as by matching the voter's signature to the corresponding one in the registration rolls or by requiring the voter to sign an affidavit affirming his identity under penalty of perjury. *Id.* Several other States request documentary proof of ID, but permit a voter who fails to bring ID documentation to the polls to establish his identity by other means, such as by signing an affidavit. *Id.* at 640-41. A number of additional States allow non-photo ID documents such as a utility bill or bank statement. *Id.* at 641; *see also* Help America Vote Act of 2002, Pub. L. No. 107-252, § 303, 116 Stat. 1666, 1712 (codified at 42 U.S.C. § 15483(b)(2)(A)) (requiring first-time voters to present documentary proof of ID, including utility bills, bank statements, paychecks, and other forms of non-photo ID).[15]

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requirements on those voters who would prefer to vote at the polls.

[15] Arizona requires Election Day voters to show one form of government-issued photo identification or two forms of non-photo identification from a specified list. Unlike Indiana, Arizona requires that the identification have the voter's current address. Ariz. Rev. Stat. § 16-579 (2007).

Six States require a voter, at least in the first instance, to produce a photo ID. In three of those States—Louisiana, Michigan, and South Dakota—a voter who does not own a qualifying photo ID nonetheless can vote upon executing an affidavit affirming his identity. *See* Pet. Br., No. 07-21, at 30-31 n.14. Florida also permits a voter who fails to possess a qualifying photo ID to cast a ballot, which will be counted if the State determines that his signature matches the signature on the voter's registration forms. *Id.* That leaves only two States—Indiana and Georgia—that enforce an absolute requirement to produce a qualifying photo ID. Georgia, however, accepts a broader range of photo IDs than Indiana. *See Common Cause/Georgia v. Billups*, 504 F. Supp. 2d 1333, 1347 (N.D. Ga. 2007).[16]

Indiana's decision to adopt the most restrictive voter ID requirements in the Nation should substantially inform the Court's consideration of "the extent to which the State's concerns make the burden necessary," *Timmons*, 520 U.S. at 358. As *amici* have explained, *see* pp. 8-11, *supra*, there is no need for Indiana to adopt highly-restrictive photo ID requirements to address what a mounts to a nonexistent threat of in-person impersonation fraud. Indiana could substantially reduce the burdens on voters

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[16] For example, a voter can obtain a voter ID card in Georgia by going to the registrar's office and providing identification. Ga. Code § 21-2-417.1(c) (2007). Given that a voter's registration application is among the acceptable forms of identification that can be used to obtain a voter ID card, *see* 504 F. Supp. 2d at 1347, the Georgia law does not in fact prevent voter impersonation but merely raises an administrative hurdle for voters who lack a government-issued photo ID.

by adopting less restrictive ID measures of the kind used by other States. That is particularly the case because Indiana already employs the less-restrictive means of a signature match with respect to absentee voting. And if a signature match suffices for absentee voting—where the risk of impersonation fraud is much higher—there could be no sound reason to require anything more burdensome for in-person voting at the polls.[17]

In the alternative, Indiana, like other States, could enable a voter who lacks a government-issued photo ID to execute an affidavit affirming his identity, with associated criminal penalties for falsely claiming the identity of another person. *See Dunn*, 405 U.S. at 353-54 (invalidating durational residency requirement because "Tennessee has at its disposal a variety of criminal laws that are more than adequate to detect and deter whatever fraud may be feared"). Those sorts of measures have proven more than adequate in other States to prevent in-person impersonation fraud. While Indiana

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[17] The court of appeals hypothesized that Indiana applies a signature match for absentee ballots because there would be no feasible method of imposing a photo ID requirement on absentee voters. *See* Pet. App. 9-10. That is incorrect. The State could require that absentee ballots be delivered in person in advance of Election Day, and could require that the voter present a qualifying photo ID when submitting the absentee ballot. Alternatively, the State could require that an absentee voter obtain the signature of a notary affirming that the voter proved his identity by presenting a qualifying photo ID. That, for instance, is precisely how Marion County, Indiana, enforces its requirement that an applicant present a government-issued photo ID when applying by mail for a certified birth certificate. *See* pp. 20-21, *supra*.

therefore may have at its disposal a variety of less restrictive measures of the kind in effect in other States, what Indiana cannot do is to continue to enforce the most burdensome voter ID requirements in the Nation ostensibly to address a species of fraud virtually unseen in the Nation.

CONCLUSION

For the foregoing reasons, the judgment of the court of appeals should be reversed.

Respectfully submitted,

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APPENDIX
STATEMENTS OF INTEREST OF *AMICI CURIAE*

The Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee") is a tax-exempt, nonprofit civil rights organization that was founded in 1963 by the leaders of the American bar, at the request of President Kennedy, to help defend the civil rights of racial minorities and the poor. Through the Lawyers' Committee, thousands of attorneys have represented thousands of clients in civil rights cases across the country challenging discrimination in virtually all aspects of American life.

The Lawyers' Committee has decades of experience litigating individual and class action voting rights claims in federal and state courts, and is highly knowledgeable about the legal and policy issues relevant to this case. The Lawyers' Committee is counsel for certain plaintiffs in a federal statutory and constitutional challenge to an Arizona law that requires citizens to provide proof of citizenship when they register to vote and identification when they vote in person. *Purcell v. Gonzalez*, 127 S. Ct. 5 (2006), *Gonzalez v. Arizona*, 485 F.3d 1041 (9th Cir. 2007). The Lawyers' Committee has also been counsel for plaintiffs in the federal statutory and constitutional challenges to government-issued voter photo identification laws enacted by Georgia in 2005 and 2006. *Common Cause/Georgia v. Billups*, 406 F. Supp. 2d 1326 (N.D. Ga. 2005), 439 F. Supp. 2d 1294 (N.D. Ga. 2006), 504 F. Supp. 2d 1333 (N.D. Ga. 2007).

With the cooperation of other voting rights advocates, the Lawyers' Committee has systematically tracked legislation dealing with photo IDs and provided legal analysis on legislation that would impede equal participation by all in the political process, particularly legislation imposing photo ID requirements.

Service Employees International Union ("SEIU") is a tax-exempt, non-profit labor organization that has 1.9 million members throughout the United States, including the state of Indiana. The SEIU represents workers in a variety of occupations and industries including property services, health care, and in the public sector. Many of our members are individuals of color who work in low-wage occupations such as janitors, security guards, home care aids, and nursing home workers. Our work as the leading advocates for improving the lives of low-wage workers has entailed encouraging worker involvement in public life through voting and engaging in the political process.

Many SEIU members and members of their families encounter substantial obstacles to obtaining government-issued photo identification, which they must present to vote at the polls under the Indiana law at issue. The SEIU holds an interest in participating in this case to ensure that its members and their families can freely exercise their right to vote.

The American Federation of State, County and Municipal Employees ("AFSCME") is the largest union for public service workers in the United States, with 1.4 million members nationwide, including 5,200 in Indiana. Throughout its seventy-five year

history, AFSCME has promoted civic participation among its members, declaring in the preamble to its Constitution that "[f]or unions, the work place and the polling place are inseparable, and the exercise of the awesome rights and responsibilities of citizenship is equally required at both." The availability and exercise of the elective franchise to and by its members is central to AFSCME's objective of advancing the welfare of those members through organizing, collective bargaining and legislative and political action.

Common Cause is a nonprofit, nonpartisan citizens organization with approximately 300,000 members and supporters nationwide. With active members and staff in Indiana, Common Cause's mission is to ensure open, accountable, and effective government at the federal, state, and local level. Government can only be accountable to the people if its election process accurately reflects the will of the electorate. Common Cause has a longstanding concern that barriers to voting presented by Indiana's photo ID law could cause a distortion in election results by depressing turnout disproportionately among some demographic groups and make elections less accurate as a result. Common Cause has been active in opposing efforts to erect unnecessary barriers to voting in many states, including Georgia where we were a plaintiff in challenging a similar photo ID provision.

The National Council of Jewish Women ("NCJW") is a volunteer organization, inspired by Jewish values, that works to improve the quality of life for women, children, and families and to ensure individual rights and freedoms for all through its net-

work of 90,000 members, supporters, and volunteers nationwide. The National Council of Jewish Women works to ensure and advance individual and civil rights. NCJW's Resolutions state that the organization endorses and resolves to work for "fair voting laws, policies, and practices to ensure easy access to the electoral process and that every vote counts." Consistent with our priorities and resolution, NCJW joins this brief.

The Jewish Council for Public Affairs ("JCPA") is the coordinating body of 14 national Jewish organizations and 125 local Jewish federations and community relations councils. Since its founding in 1944, JCPA has worked to safeguard the rights of Jews throughout the world and to protect, preserve, and promote a just, democratic, and pluralistic society. The JCPA recognizes our security is inexorably linked to the strength of democratic institutions. JCPA believes that the Jewish community has a direct stake—along with an ethical imperative—in assuring that America remains a country wedded to the Bill of Rights and committed to the rule of law, a nation whose institutions continue to function as a public trust.

The American Jewish Committee ("AJC"), a national organization of over 175,000 members, was founded in 1906 to protect the civil and religious rights of Jews and is dedicated to the defense of religious rights and freedoms of all Americans. A staunch defender of voting rights for all citizens, AJC joins in this brief in declaring unconstitutional a state law that requires voters to present government issued photo identification at the polls.